

Date 06/23/08

**Environmental Management Consolidated Business Center (EMCBC)****Subject: EMCBC or Service Level Agreement (SLA) National
Environmental Policy Act (NEPA) Public Participation
under NEPA**

PLAN

APPROVED: (Signature on File)

EMCBC Director

ISSUED BY: Office of Logistics Management

1.0 PURPOSE

To present the requirements and recommendations for public participation for actions that is subject to NEPA. EMCBC/SLA sites intend to meet the spirit of NEPA as embodied in the requirements of the Secretarial Policy Statements, Council of Environmental Quality (CEQ), and Department of Energy (DOE) Implementing Regulations as well as DOE Directives on NEPA and public participation.

2.0 SCOPE

The scope of this Plan is to provide a detailed approach for assuring public participation is adequately incorporated in all applicable aspects of the NEPA process.

3.0 APPLICABILITY

This plan is applicable to EMCBC/SLA personnel who manage or are involved in NEPA actions under the purview of EMCBC.

4.0 REQUIREMENTS/REFERENCES**4.1 Requirements**

4.1.1 DOE O 451.1B, DOE NEPA Compliance Program

4.1.2 40 CFR Parts 1500-1508, Council on Environmental Quality NEPA

4.1.3 10 CFR Part 1021, DOE NEPA Implementing Procedures

4.2 References

4.2.1 EMCBC/SLA PL-451-01, National Environmental Policy Act (NEPA) Compliance Program Plan

4.2.2 EMCBC/SLA NEPA IP-451-02, Establishing the Level of National Environmental Policy Act Review and Documentation

5.0 DEFINITIONS

Refer to Glossary of Terms used in DOE NEPA Documents dated September 1998 located at: <http://www.eh.doe.gov/NEPA/tools/guidance/glossary.pdf>

6.0 RESPONSIBILITIES

- 6.1 NEPA Compliance Officer (NCO) interfaces with the NEPA Document Manager (NDM), provides direction in identifying the public participation requirements for NEPA actions, provides advice in developing and implementing effective strategy for public participation for NEPA actions, and determines the level of public participation.
- 6.2 NEPA Document Managers are responsible for conducting the applicable public participation requirements for the proposed action and for ensuring that the public participation requirements are properly implemented and documented. The NDM also communicates with and interfaces with the NCO and the responsible DOE Public Affairs Officer to ensure that public participation activities are effectively conducted.

7.0 IMPLEMENTATION REQUIREMENTS

- 7.1 The document *Effective Public Participation under the National Environmental Policy Act*, second edition, dated August 19, 1998, <http://www.ch.doe.gov/nepa/tools/guidance/pubpart2.html>, presents the requirements and recommendations for effective public participation for categorical exclusions (CX's), environmental assessments (EA's), environmental impact statements (EIS's), EIS supplement analysis, and supplemental EIS's, as well as recommendations on general public participation activities.
- 7.2 Based on the results of the level of the NEPA review established under EMCBC/SLA NEPA Program Plan, Appendix A, *Establishing the Level of NEPA Review*, the NDM will review *Effective Public Participation under the National Environmental Policy Act* for the requirements and recommendations for the proposed action.
 - 7.2.1 Categorical Exclusions. Public participation is not required for CX's.
 - 7.2.2 Environmental Assessments. The NEPA requirements for conducting public participation in the EA process are dependent on the scope of the proposed action. However, to meet the spirit of NEPA as embodied in the requirements of the Secretarial Policy Statements, CEQ, and DOE Implementing Regulations as well as DOE Directives on NEPA and public participation, the EMCBC/SLA requirements and options for inviting public participation are presented below. Because of the degree of public interest and participation in EAs for specific projects will vary greatly, consultation between the NCO and the NDM is crucial. Additional options are discussed in the document *Effective Public Participation under the National Environmental Policy Act*. A Public Participation process flow can be found as Attachment A of this Plan.

7.2.2.1 The objective of conducting public participation is:

- To simulate an early response to the draft EA from the public and potentially affected stakeholders.
- To involve stakeholders in the decision making process.
- To determine stakeholder acceptance of the range of alternatives in the draft EA and its components.
- To avoid late discovery of controversy arising from lack of stakeholder acceptance.
- To identify stakeholders who choose to be involved during the planning process, and ensure that the draft EA considers all comments.

7.2.2.2 In addition to the requirements presented in Section 8 of *Effective Public Participation under the National Environmental Policy Act*, the NDM (using NEPA contractor support) shall observe the following requirements for affording public involvement in administration of the Draft:

- Create a Public Participation or Public Information Plan
 - A Public Participation Plan should include the objectives of the NEPA action, public meetings, media relations, website addresses and points of contact.
- Notify public of the intent to prepare an EA along with the Public Education Information Session before the release of the Draft EA.
- Hold a sufficient number of public meetings during the comment period.
- Release draft documents for review and comment (concurrent with state/tribal review).
- Make available copies of Draft EA, Final EA/Findings of No Significant Impact (FONSI's), usually in DOE Public Reading Rooms.
- Issue FONSI for a 30-day comment period if the following criteria are met: (1) the proposed action is, or is closely similar to, one which normally requires the preparation of an EIS; (2) the nature of the proposed action is one without precedent; or (3) if otherwise beneficial.

- Provide fact sheet or other materials for the public meeting.

7.2.2.3 The NDM should promote community understanding through the use of:

- Public meetings.
- Comment period. Stakeholders and the public should have a reasonable period for the comment period for all NEPA documents. Depending on the content and interest in the released documents, Comment Period extensions are often requested.
- Internet websites. Use Internet websites inform and to provide public access to the EA.
- Copies of NEPA documents. Provide copies of NEPA documents to the DOE Headquarters Office of General Counsel.

7.2.2.4 Techniques for accomplishing the requirements and the recommendations for affording public involvement include the following:

- Media Relations: Communicate information through newspapers and other media outlets in the local area. This may be accomplished by providing news releases, offering interviews, or editorial boards with the EA project team members through the EMCBC/SLA Public Affairs organizations.
- Speakers Bureau. EA/EIS project team members may be requested to give presentations before professional, civic, and other interested organizations. The NDM and NCO should approve the content of the presentations.
- Public Workshops. If there are indications of sufficient public interest, Public Workshops may be used to educate stakeholders and the public. Evening or Saturday sessions should be considered.
- Tours. If applicable, develop a tour and supporting written material. Advertise the tour in media outlets or the stakeholder mailing list..
- Video and Fact Sheet. Develop a project specific video and fact sheet and make them available to interested parties.
- Site Environmental Reports. EAs should be described in the Annual Site Environmental Report.
- Employee Communications. Articles may be prepared for inclusion in DOE and contractor employee publications, and EA presentations may be given to employees.
- Property Owners Communications. Affected property owners should be kept informed of the project status. This may be

accomplished by letters from the NDM or by any of the other means discussed above.

7.2.3 Environmental Impact Statements - The requirements and recommendation for EIS public scoping process, draft EIS, and final EIS are presented in Sections 4, 5, and 6 of *Effective Public Participation under the National Environmental Policy Act*. In addition, a process flow can be found as Attachment A of this Plan and Attachment A of the EMCBC/SLA IP-451-01, NEPA Program Plan identifying public participation opportunities. The NDM will prepare a project specific public participation plan which will consider the following:

- The amount of time reserved for legislators and representatives of organization.
- The length of time each individual will be allowed to speak. This is critical in order to ensure fairness to all, scheduled speaking times must be set and enforced. Representatives for a group are sometimes allowed to speak for longer time intervals than the individuals.
- The types of presentations that will be allowed (e.g., skits, songs, or other dramatic presentations).
- The use of court reporters and facilitators.
- Method for presenting and preserving comments for the record.
- Allowances for media and media equipment:
 - Allow area for video crews to set up
 - Provide a sound hook up (mult-box) for video and radio reporters
 - Provide media members with a list of speakers that includes full titles and how to contact for follow-up questions
 - Plan for a spokesperson (s) to provide comments to members of the media
- Having a question and answer period. These may be difficult to manage. DOE representatives must be knowledgeable both about the project and DOE Policy in relation to the project. EIS/EA Contractor staff members should also be prepared to answer public and media questions.
- Meeting room logistics
 - Ensure there are adequate restroom facilities
 - Have an evacuation plan and brief it at the start of all meetings
 - Check for handicapped access

7.2.4 Supplement Analysis and Supplemental EIS. The requirements and recommendations for the supplement analysis and supplemental EIS public involvement activities are presented in Section 7 of *Effective Public Participation under the National Environmental Policy Act*.

8.0 RECORDS MAINTENANCE

8.1 All records generated by this procedure shall be prepared, maintained, and stored in concordance with DOE O 200.1, Information Management Program.

8.2 All records are required to comply with the EMCBC IP 243-03, Identification, Filing, and Maintaining Records.

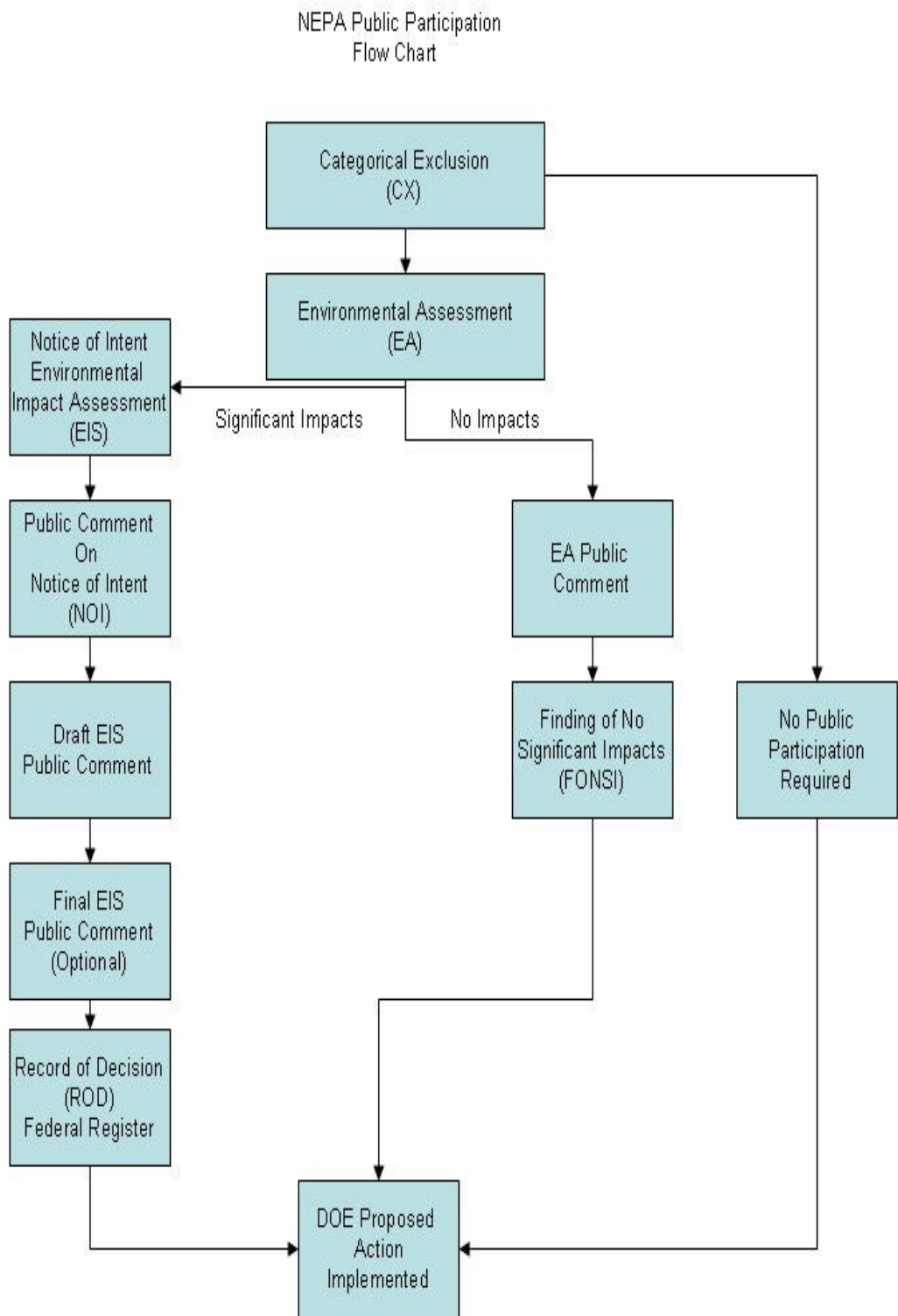
9.0 FORMS USED – N/A

10.0 ATTACHMENTS

10.1 Attachment A - EMCBC/SLA Public Participation Flowchart

11.0 FLOWCHART – Attached as Attachment A

Attachment A



EMCBC RECORD OF REVISION**DOCUMENT**

If there are changes to the controlled document, the revision number increases by one. Indicate changes by one of the following:

- I Placing a vertical black line in the margin adjacent to sentence or paragraph that was revised.
- I Placing the words GENERAL REVISION at the beginning of the text.

Rev. No.	Description of Changes	Revision on Pages	Date
1	Initial Procedure	All	06/23/08